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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,571	06/24/2005	Naoe Sakurai	272232US0PCT	6457
22850 7590 01/25/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, THUY-AI N	
			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			01/25/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

## Office Action Summary

**Application No.**

10/540,571

**Applicant(s)**

SAKURAI ET AL.

**Examiner**

Thuyai N. Nguyen

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date  
:06/24/2005, 04/21/2006, 05/04/2007.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

*The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

*Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai Hisae et al. (JP. 11-180855) in view of Briggs et al. (US. 5,858,340), (see English translation of JP. 11-180855 for citation).*

*Regarding claim 1, Sakurai Hisae et al. teach a detergent composition comprising an anionic surfactant and trimethylglycine (abstract), wherein the ratio of the component A over B is 3.5/1 (compare the product in Table 1). Sakurai Hisae et al. also teach the composition being diluted with purified water (see examples [0050- 0053]).*

*Sakurai Hisae et al. do not teach the composition specific range of the pH. Briggs et al. teach the cosmetic composition having the pH of from 4 to 9 (col. 7: 30 - 34) within the range as set forth by the applicant. Sakurai Hisae et al. and Briggs et al. are analogous art because they are in the same field of endeavor; namely, providing skin care composition. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the teaching of Briggs et al. in the teaching of Sakurai Hisae et al.. The motivation is to ensure the good lathering and softness on the skin.*

*Regarding claim 2, Sakurai Hisae et al. teach the composition, wherein the anionic surfactants are alkyl ether sulfates, alkenyl ether sulfates, ether carboxylic acid and amide ether carboxylic acid [0007- 0010].*

*Regarding claim 3, Sakurai Hisae et al. teach the composition, wherein the anionic surfactant is in an amount of from 1 to 50 percent by weight [0031], and trimethylglycine is from 0.1 to 20 percent by weight [0032].*

*Regarding claim 4, Sakurai Hisae et al. teach the composition further comprising amphoteric surfactants, cationic surfactants, and nonionic surfactants in an amount of from 0.5 to 30 percent by weight of the composition [0038 - 0040].*

*Regarding claims 5 - 6, Sakurai Hisae et al teach the composition is skin detergent composition, and can be used as a face wash [0041- 0043].*

### **Correspondence**

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuyai N. Nguyen whose telephone number is 571-270-3294. The examiner can normally be reached on Monday-Friday: 8:30 a.m. - 5:00 p.m. eastern time.*

*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.*

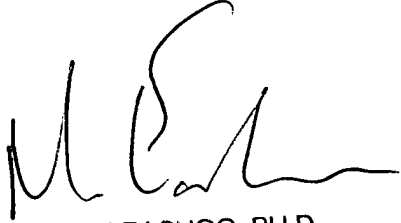
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*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.*

*January 8, 2008*

*Patent Examiner  
Thuy - Ai N. Nguyen*

  
MARK EASHOO, PH.D.  
SUPERVISORY PATENT EXAMINER  
18/Jan/08